

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

<b>RONALD DARDEN, SR,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>5:04-cv-2184-CLS-TMP</b>
	)	
<b>ROBERT NICHOLS, et. al.,</b>	)	
	)	
<b>Defendants.</b>	)	

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<b>RONALD DARDEN, SR,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>5:04-cv-2197-CLS-TMP</b>
	)	
<b>ROBERT NICHOLS, et. al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on January 4, 2005, in this action filed pursuant to 42 U.S.C. § 1983, recommending that plaintiff's request for preliminary injunctive relief and a temporary restraining order be denied, and all claims in this action be dismissed for failing to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A(b)(1) and/or (2), except for: (1) plaintiff's claims that defendant Nichols interfered with his mail and deprived him of access to court by opening and destroying the contents of a package directed to plaintiff's fiancée, which contained a letter

to her and correspondence to his attorneys at the Southern Poverty Law Center, and (2) plaintiff's claim that defendant Jackson once interfered with his mail by opening legal correspondence from this court without his knowledge and presence. No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, plaintiff's request for preliminary injunctive relief and a temporary restraining order are due to be DENIED, and all claims in this action are due to be DISMISSED for failing to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A(b)(1) and/or (2), except for: (1) plaintiff's claims that defendant Nichols interfered with his mail and deprived him of access to court by opening and destroying the contents of a package directed to plaintiff's fiancée, which contained a letter to her and correspondence to his attorneys at the Southern Poverty Law Center, and (2) plaintiff's claim that defendant Jackson once interfered with his mail by opening legal correspondence from this court without his knowledge and presence.

Plaintiff's claims that defendant Nichols interfered with his mail and deprived him of access to court by opening and destroying the contents of a package directed to plaintiff's fiancée, which contained a letter to her and correspondence to his attorneys at the Southern Poverty Law Center, and (2) plaintiff's claim that defendant Jackson once interfered with his

mail by opening legal correspondence from this court without his knowledge and presence are therefore due to be REFERRED to the magistrate judge for further proceedings.

An appropriate order will be entered.

DONE this 1st day of February, 2005.

  
United States District Judge